

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

18-cv-048645-EMC

IN RE TESLA SECURITIES LITIGATION

TRIAL SHEET, EXHIBIT and WITNESS LIST

JUDGE:	PLAINTIFF'S ATTORNEY:	DEFENSE ATTORNEYS:
Edward M. Chen	Nicholas Porritt, Elizabeth Tripodi, Alexander Krot, Joseph Levi, Adam Apton	Alexander Spiro, Andrew Rossman, Phillip Jobe, Ellyde Thompson, Jesse Bernstein, Michael Lifrak, Anthony Alden, Matthew Alexander Bergjans, William Price
TRIAL DATE:	REPORTERS:	CLERK:
February 3, 2023	Belle Ball	Vicky Ayala

PLF NO.	DEF NO	TIME OFFERED	ID	ADM	DESCRIPTION
		8:22 a.m.			Court in session. Discussion outside the presence of the jury. The Court addressed Plaintiff's objections to Defendants' closing slides, which had been filed at 1am that morning. The Court noted that Defendants did not provide the closing slides to Plaintiff until 8pm the prior evening, in violation of the Court's disclosure rules. Plaintiff flagged its specific objections to Slides 2, 7, 34, and 53. The Court then ordered attorney comments and attorney interpretation of instructions to be removed from Defendants' closing slides. Defendants responded that they had revised the slides to remove the objectionable content. Plaintiff then noted that Defendants' Slide 26 cited Exhibit 68, which had not been admitted into evidence. The Courtroom Deputy confirmed that Exhibit 68 had not been admitted into evidence. Defendants sought leave to admit Exhibit 68 into evidence, which Plaintiff objected to. The Court denied Defendants' request to belatedly admit Exhibit 68 into evidence. At Defendants' request, Plaintiff voluntarily agreed to cut Slide 47, which included attorney comments. The Court notified the parties that it would reinstruct the jury that attorney arguments are not evidence prior to closings.
		9:10 a.m.			Jury present. Court instructs Jury.
		9:12 a.m.			Closing Argument by Nicholas Porritt on behalf of Plaintiff.
		10:08 a.m.			Closing Argument on behalf of Plaintiff by Nicholas Porritt concludes.
		10:09 a.m.			Closing Argument on behalf of Defendant by Alex Spiro.
		11:22 a.m.			Jury excused for break.
		11:23 a.m.			Court in recess.

		11:41 a.m.			Court reconvened.
		11:45 a.m.			Jury present.
		11:46 a.m.			Closing Argument on behalf of Defendant by Alex Spiro resumes.
		12:19 p.m.			Closing Argument on behalf of Defendant by Alex Spiro concludes.
		12:19 p.m.			Closing Rebuttal Argument by Nicholas Porritt on behalf of Plaintiff.
		12:36 p.m.			Closing Rebuttal Argument by Nicholas Porritt on behalf of Plaintiff concludes.
		12:36 p.m.			Court instructs Jury.
		12:44 p.m.			Jury begins deliberations.
		12:45 p.m.			Housekeeping issues discussed outside the presence of the Jury. The Court instructed the parties to remain within a five-to-ten minute radius of the courthouse so that they could gather if the Court received any communication from the Jury. Plaintiff noted for the record that Defendants' counsel had published Slide 69 which is an exhibit that the Court had maintained an objection to. Defendants' counsel responded that Plaintiff's counsel had informed the Jury that Mr. Musk was a defendant in a federal case which was, according to counsel, severely egregious. The Court responded that it would not be reinstructing the Jury and that the parties should plan to remain close by until 4pm or otherwise hearing from the Jury. The parties discussed the index of exhibits. Defendants objected to including any demonstratives on the index. The parties agreed to confer regarding the descriptions for the exhibits on the index and to provide them to the Court within a few minutes. The Court then commended the parties on a very hard-fought case. The Court noted as an aside that the Jury was very diverse and that the counsel tables did not reflect that same diversity, which was a larger issue for another day.
		12:52 p.m.			Court in recess.
		2:34 p.m.			Court advised; the Jury has reached a verdict.
		2:45 p.m.			Court reconvened. Court advised parties jury has reached a verdict.
		2:50 p.m.			Court, parties, and jury present. Courtroom Deputy hands the verdict to the Judge.
		2:53 p.m.			Courtroom Deputy reads the verdict.
		2:55 p.m.			Court polled the jury.
		2:58 p.m.			Jury thanked and excused.
		3:00 p.m.			Court adjourned.